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AJMER STATE GOVERNMENT

Law and Judicial Department

Ajmer, the 22nd January 1955

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 13th January, 1955 and is hereby published for general information:—

THE AJMER JUVENILE SMOKING PROHIBITION ACT, 1954

ACT No. XI of 1954

An Act to make provision for the prevention of smoking by young persons.

BE it enacted by the Legislative Assembly of the State of Ajmer as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Ajmer Juvenile Smoking Prohibition Act, 1954.

(2) It extends to the whole of the State of Ajmer.

(3) Sections 1 and 2 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may by notification appoint, and different dates may be appointed for different areas or places in the State of Ajmer.

2. Interpretation.—(1) In this Act, unless there is anything repugnant in the subject or context,—

(a) 'child' means any person who has not attained the age of sixteen years;

(b) 'cigarettes' include cut tobacco rolled up in paper, tobacco leaf or other material in such form as to be capable of immediate use for smoking;

(c) 'notification' means a notification published in the official Gazette;

(d) 'public place' includes any public park, garden, railway station or railway carriage or any ground, building or premises to which the public for the time being have or are permitted to have access whether on payment or otherwise;

(e) 'State Government' means the Chief Commissioner of the State of Ajmer;

(2) The General Clauses Act, 1897 (X of 1897) applies to the interpretation of this Act as it applies to the interpretation of a Central Act.

3. Prohibition against sale of tobacco etc., to children.—(1) No person shall sell or deliver or supply to a child, whether for his own use or otherwise, any bidis, cigarettes, tobacco or any smoking mixture intended as a substitute for tobacco.

(2) Nothing in this section shall make it an offence to deliver bidis, cigarettes, tobacco or any smoking mixture intended as a substitute for tobacco to any child who is at the time employed by a manufacturer or dealer in any such articles either wholesale or retail for the purpose of his business.

(3) Any person who contravenes the provisions of this section shall be liable on conviction by a Magistrate, in the case of a first offence to a fine not exceeding ten rupees, in the case of a second offence to a fine not exceeding twenty rupees, and in the case of a third or subsequent offence to a fine not exceeding fifty rupees.

4. Seizure by Police of tobacco etc., found with children.—(1) It shall be the duty of every police officer to seize any bidis, cigarettes, tobacco or any smoking mixture intended as a substitute for tobacco in the possession of a child in any street or public place and any such article so seized shall be forfeited to the State Government; and every such officer shall be authorized to search any boy so found smoking but not a girl.

(2) Nothing in this section shall authorize the seizure of any such article in the possession of any such child who is at the time employed by a manufacturer or dealer in any such articles either wholesale or retail for the purpose of his business.

5. Institution of proceedings.—No Magistrate shall take cognizance of an offence under this Act except upon complaint made by or at the instance of a police officer.

6. Offences under this Act to be tried summarily.—All offences under this Act shall be tried summarily in the manner provided for summary trials in the Code of Criminal Procedure, 1898 (V of 1898).

G. S. GAITONDE,
Secy. to the Govt. of Ajmer.